

Please type a plus sign (+) inside this box → ☒**TRANSMITTAL
FORM***(to be used for all correspondence after initial filing)*

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/320,767
	Filing Date	May 27, 1999
	First Named Inventor	Giannoukakis
	Group Art Unit	1643
	Examiner Name	Angell, J.
Total Number of Pages in This Submission	Attorney Docket Number	A32362(072396.0174)

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): 1) Three Reference manuscripts, 2) PTO form 1449 3) Return post card
Remarks <input type="checkbox"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature		Att Name: Rochelle K. Seide, Ph.D. PTO Reg: 32,300
Date	November 12, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: November 12, 2004			
Typed or printed name	Rochelle K. Seide, Ph.D.		
Signature		Date	November 12, 2004

BAKER BOTTS LLP

Attorney Docket Number: A32362(072396.0174)

Title: GENE TRANSFER TO PANCREATIC CELLS FOR PREVENTION OF ISLET DYSFUNCTION

Use Space Below for Additional Information:

BAKER BOTTS LLP



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0)

Complete if Known

Application Number	09/320,767
Filing Date	May 27, 1999
First Named Inventor	Giannoukakis
Examiner Name	Angell, J.
Art Unit	1643
Attorney Docket No.	A32362(072396.0174)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee required under 37CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 = 0	X	0
Multiple Dependent	- 3 = 0	X	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		

SUBTOTAL (2) (\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

Rochelle K. Seide, Ph.D.

Registration No.
(Attorney/Agent)

32,300

Telephone 212 408 2626

Signature

Rochelle K. Seide

Date

November 12, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Giannoukakis *et al.*
Serial No. : 09/320,767 Examiner : Angell, J.
Filed : May 27, 1999 Group Art Unit: 1635
For : GENE TRANSFER TO PANCREATIC CELLS FOR
PREVENTION OF ISLET DYSFUNCTION

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

November 12, 2004,
Date of Deposit

Rochelle K. Seide, Ph.D.
Attorney Name

Rochelle K. Seide
Signature

32,300
PTO Registration No.

November 12, 2004
Date of Signature

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Supplemental Information Disclosure Statement filed on
November 1, 2004, enclosed please find copies of the following three references:

51. Verma, I. M. (2000). Gene therapy: beyond 2000. *Mol Ther* 1, 493.

58. Iwahashi, H., Itoh, N., Yamagata, K., Imagawa, A., Nakajima, H., Tomita, K., Moriwaki, M., Waguri, M., Yamamoto, K., Miyagawa, J., *et al.* (1998). Molecular mechanisms of pancreatic beta-cell destruction in autoimmune diabetes: potential targets for preventive therapy. *Cytokines Cell Mol Ther* 4, 45-51.

64. Evans, C. H., and Robbins, P. D. (1994). The interleukin-1 receptor antagonist and its delivery by gene transfer. *Receptor* 4, 9-15.

These references were listed in the Supplemental Information Disclosure Statement and on the PTO Form 1449 (copy enclosed), filed on November 1, 2004. The submission of this Supplemental Information Disclosure Statement does not represent that a search has been made or that no better art exists, and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should this document be applied against the claims of the present application.

Applicants do not believe that a fee is required. However, if any fee is required in connection with this communication or any overpayment has been made, please charge any deficiency or credit any overpayment to Deposit Account No. 02-4377. Duplicate copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



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Enclosures

COPY

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

INFORMATION DISCLOSURE

STATEMENT
BY APPLICANT

(Use several sheets if necessary)

Atty. Docket No.

A32362

072396.0174

Serial No.

09/320,767

Applicant

Giannoukakis et al.

Filing Date

May 27, 1999

Group

1643

U.S. PATENT DOCUMENTS

*Ex am. Init.	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENT

Document No.	Date	Country	Class	SubClass	Translator Yes No

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

56		Anderson, W. F. (1998). Human gene therapy. Nature 392, (6679 Suppl) 25-30.
58		Iwahashi, H., Itoh, N., Yamagata, K., Imagawa, A., Nakajima, H., Tomita, K., Moriwaki, M., Waguri, M., Yamamoto, K., Miyagawa, J., <i>et al.</i> (1998). Molecular mechanisms of pancreatic beta-cell destruction in autoimmune diabetes: potential targets for preventive therapy. Cytokines Cell Mol Ther 4, 45-51.
64		Evans, C. H., and Robbins, P. D. (1994). The interleukin-1 receptor antagonist and its delivery by gene transfer. Receptor 4, 9-15.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.